

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
<b>Chinery et al.</b>	)	
	)	Art Unit:
Serial No.: <b>unassigned</b>	)	
	)	Examiner:
Filing Date: <b>herewith</b>	)	
	)	
Title: <b>Antioxidant Enhancement of Therapy for</b>	)	
<b>Hyperproliferative Conditions</b>	)	

**PRELIMINARY AMENDMENT**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-styled patent application, which is a continuation patent application of pending U.S. Patent Application Serial No. 09/108,609, filed on July 1, 1998 on behalf of the inventors Rebecca Chinery, R. Daniel Beauchamp, Robert J. Coffey, Russell M. Medford, and Brian E. Wadzinski, please amend the application as shown below and consider the appended remarks.

**AMENDMENT**

**In the Specification**

Please amend the specification as follows:

I hereby certify that the this Preliminary Amendment along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Express Mail on the date shown below with sufficient postage in an envelope with label EE108494110US addressed to, Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231., on February 7, 2001.

*Charles Vorndran*

Charles Vorndran, Reg. No. 45,315

On line 7 of page 1, please insert -- U.S.S.N. 09/108,609 filed on July 1, 1998, which is a continuation application of-- immediately following "application of" and immediately before "U.S.S.N.".

Please enter the enclosed written Sequence Listing into the specification.

On page 10, line 4, kindly insert --(SEQ ID NO: 1)-- following "(Arg-X-Ser299-X)".

On page 25, line 6, kindly insert --(SEQ ID NO: 2)-- following "-X1-Arg-X2-Ser-X3".

On page 60, line 6, kindly insert--(SEQ ID NO: 3)-- following "GTACTTAAGAAATATTGAAT".

On page 60, line 7, kindly insert --(SEQ ID NO: 4)-- following "ATTCAATATTTCTTAAGTAC".

On page 60, line 7, kindly insert --(SEQ ID NO: 5)-- following "GTACAAAAGAAATATTGAAT".

On page 60, line 8, kindly insert --(SEQ ID NO: 6)-- following "ATCAATATTTCTTTTGTAC".

#### **INFORMATION DISCLOSURE STATEMENT**

Applicants enclose Form PTO-1449. The citation of information on the enclosed Form PTO-1449, "List of Art Cited by Applicant" is made pursuant to 37 C.F.R. §§ 1.97 and 1.98.

Pursuant to 37 C.F.R. §1.98(d), inasmuch as this application relies on prior application Serial No. 09/108,609 filed July 1, 1998 for an earlier filing date under 35 U.S.C. § 120, no copy of any patent, publication or other information previously cited by or submitted to the Office in such prior application is being provided herewith.

The citation of this information does not constitute an admission that any of the materials are available as a reference or of priority, or a waiver of any right applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

Serial No.

Applicants respectfully request that the cited references be considered by the examiner and an initialed PTO Form 1449 returned.

### REMARKS

Applicant encloses a written Sequence Listing and a computer readable copy of the Sequence Listing. The computer readable copy of the Sequence Listing is named "ATH108.APP" and is on the enclosed 1.44 MB IBM diskette.

I hereby state that the information recorded in computer readable form is identical to the written Sequence Listing.

I hereby state that the submission, filed in accordance with 37 CFR § 1.821, herein does not include new matter.

To comply with 37 CFR § 1.821(d) Applicants have amended the specification to include the SEQ ID NOs in the Specification where reference to the sequences were made.

Applicant has also amended the specification to indicate the present application is a continuation application of pending U.S. Patent Application Serial No. 09/108,609 filed on July 1, 1998.

### CONCLUSION

Applicant respectfully submits that the above-styled continuation patent application, as amended, is in condition for examination and requests such action. If any issues remain that may be resolved by telephone, the Examiner is requested to call Sherry M. Knowles at 404.572.3541.

Respectfully submitted,



Charles Vorndran  
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